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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

JESSICA MARQUEZ CAPARAZ,)	No. C 07-4381 SC
Plaintiff,)	
v.)	ANSWER
MICHAEL B. MUKASEY, Attorney General)	
of the United States;)	
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security;)	
DAVID STILL, Director, San Francisco Office,)	
U.S. Citizenship and Immigration Services;)	
ROBIN BARRETT, Section Chief,)	
U.S. Citizenship and Immigration Services;)	
JOSEPH NAGLE, DHS Officer,)	
Defendants.)	

Defendants hereby submit their answer to Plaintiff's Complaint for Writ of Mandamus.

INTRODUCTION

1. Paragraph One consists of Plaintiff's characterization of the lawsuit, and thus no admission or denial is required; however, to the extent a responsive pleading is deemed to be required, the Defendants deny the allegations in Paragraph One.

2. Defendants admit the allegations in Paragraph Two, with the exception that the plaintiff filed her naturalization application on December 12, 2005, not November 30, 2005.

1 3. Defendants are without sufficient information to admit or deny the allegations in Paragraph
2 Three.

3 4. Defendants admit the allegations in Paragraph Four.

4 5. Paragraph Five consists of Plaintiff's allegations regarding venue, to which no responsive
5 pleading is required; however, to the extent a responsive pleading is deemed necessary,
6 Defendants deny the allegations in this paragraph.

7 **FACTS**

8 6. Defendants are without sufficient information to admit or deny the first sentence in
9 Paragraph Six; however, Defendants admit the allegations in the second sentence.

10 7. Defendants admit the allegations in Paragraph Seven; however, Defendants are without
11 sufficient information to admit or deny Plaintiff's wish to travel.

12 8. Defendants deny the allegations in Paragraph Eight because the application for
13 naturalization was filed on December 12, 2005.

14 9. Defendants admit the allegations in Paragraph Nine, with the exception that Defendants are
15 without sufficient information to admit or deny the identity of the immigration officer.

16 10. Defendants admit the allegations in Paragraph Ten with the exception of the filing date of
17 Plaintiff's application.

18 12. Defendants admit the allegations in Paragraph Twelve; however, Defendants deny the
19 allegation that the need for prints will "further delay" processing of the application.

20 **PLAINTIFF'S CLAIMS AS FOLLOWS:**

21 13. Defendants deny the allegations in Paragraph Thirteen.

22 14. Defendants deny the allegations in Paragraph Fourteen.

23 15. Defendants deny the allegations in Paragraph Fifteen.

24 16. Paragraph Sixteen consists of Plaintiff's prayer for relief, to which no admission or denial
25 is required; to the extent a responsive pleading is deemed to be required, Defendants deny the
26 allegations in this paragraph.

27 17. Paragraph Seventeen consists of Plaintiff's prayer for relief, to which no admission or
28 denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny

1 the allegations in this paragraph.

2 18. Paragraph Eighteen consists of Plaintiff's prayer for relief, to which no admission or
3 denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny
4 the allegations in this paragraph.

5 19. Paragraph Nineteen consists of Plaintiff's request for fees and costs, to which no
6 admission or denial is required; to the extent a responsive pleading is deemed to be required,
7 Defendants deny the allegations in this paragraph.

8 **FIRST AFFIRMATIVE DEFENSE**

9 The court should dismiss the complaint under Fed. R. Civ. P. 12(b)(6) because plaintiff fail
10 to state a claim upon relief may be granted.

11 **SECOND AFFIRMATIVE DEFENSE**

12 The court should dismiss the complaint under Fed. R. Civ. P. 12(b)(1) for lack of subject
13 matter jurisdiction.

14 WHEREFORE, Defendants pray for relief as follows:

15 That judgment be entered for Defendants and against Plaintiff, dismissing Plaintiff's
16 Complaint with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief
17 as it deems just and proper under the circumstances.

18 Dated: April 3, 2008

Respectfully submitted,

19 JOSEPH P. RUSSONIELLO
20 United States Attorney

21 /s/
EDWARD A. OLSEN
22 Assistant United States Attorney
Attorneys for Defendants
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